

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LONNIE SNELLING  
*individually and as assignee,*

Plaintiff,

VS.

ERRAN ALLEN DAVIS, et al.,

Defendants.

Case No. 4:19-cv-00425-JAR

## MEMORANDUM AND ORDER

This matter is before the Court for consideration of the Report and Recommendations (“R&R”) entered on May 27, 2020, recommending dismissal for failure to perfect service. (Doc. 23.) After de novo review, the Court will adopt the R&R and will dismiss the case.

The R&R exhaustively relates the procedural history of this case: Plaintiff alleges that Defendant Erran Allen Davis, whom Plaintiff met for the first time at his daughter Grenetta Ann Snelling's funeral, told Plaintiff that he was married to Grenetta and was seeking the survivor benefits from Grenetta's employment at the IRS. (*Id.* at 2.) Plaintiff was skeptical of the legitimacy of Davis's claim and raised his concerns with the IRS. (*Id.*) On multiple occasions, Plaintiff was told by IRS staff that Grenetta's benefits had been paid to her surviving spouse and that the claim was closed. (*Id.*)

On March 8, 2019, Plaintiff sued Davis and several unnamed John and Jane Does, seeking declaratory judgment and alleging fraud, unjust enrichment, and negligent infliction of emotional distress. (*Id.*) Despite numerous extensions and an in-person status conference with the Court,


Plaintiff had not filed notice of service on any Defendant more than 13 months after he filed suit. (*Id.* at 2-4.) Thereafter, the Magistrate Judge recommended dismissing the case without prejudice based on Plaintiff's failure to serve. (*Id.* at 5.) Plaintiff was granted until June 10, 2020, to file any written objections, but no objection was filed. (*Id.*)

Upon careful de novo review of the R&R and the record in this case,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Doc. 23), is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Plaintiff's March 8, 2019, complaint (Doc. 1), is **DISMISSED without prejudice**.

Dated this 15th day of June, 2020.

  
\_\_\_\_\_  
JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE